



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



Gt. Brit. Laws, Statutes, etc., 1760-1820 (George III)

AN

A C T

FOR IMPROVING AND COMPLETING THE

NAVIGATION

OF THAT BRANCH OF

THE RIVER TRENT

WHICH RUNS BY THE TOWN OF

NEWARK UPON TRENT.

1772.



NEWARK:

PRINTED BY M. HAGE AND MESSRS. S. & J. RIDGE.

1821.

Transportation

Library

HE

664.5

T79

G79

1821

Transport
Edwards
1.17 55
90710

AN
A C T
FOR

Improving and Completing the Navigation of that Branch of the River *Trent* which runs by the Town of *Newark upon Trent*, from a Place called *The Upper Wear*, in the Parish of *Averham*, in the County of *Nottingham*, to a Place called *The Crankleys*, in the Parish of *South Muskham*, in the said County.

WHEREAS the River *Trent*, at a Place called *The Upper Wear*, in the Parish of *Averham*, and about Two Miles above the Town of *Newark upon Trent*, in the County of *Nottingham*, is separated into Two Branches or Channels, One of which runs by the said Town of *Newark*, and the other by or near the Villages of *Averham*, *Kelham*, and *South Muskham*, in the said County of *Nottingham*, and the said Two Branches or Channels meet, and are again united at a Place called *The Crankleys*, lying in the said Parish of *South Muskham*, at the Distance of about Two Miles below the Town of *Newark* aforesaid:

Preamble.

And whereas the said Town of *Newark* is possessed of a considerable Trade for Corn, Wool, Coals, and other Merchandise, and the said Branch of the River *Trent* which runs by the said Town might, by improving the Channel thereof, and by making proper Cuts and other Works, be rendered navigable at all Seasons of the Year, and a more regular Intercourse of Trade would thereby be opened between the several Towns and other populous Places in the said County of *Nottingham*, and in the Counties of *York*, *Lincoln*, *Derby*, and *Stafford*, as well to the Advantage of the Traders,

Manufacturers, and other Inhabitants residing in the said Counties, as to the Utility and Benefit of the Public in general:

And whereas the good Purposes intended by the said Navigation cannot be effected without the Aid and Authority of Parliament;

May it therefore please Your MAJESTY,

Commissioners.

That it may be enacted; and be it enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Henry Fernes Pelham Clinton* commonly called Earl of *Lincoln*, the Right Honourable *George Sutton* commonly called Lord *George Sutton*, the Right Honourable *Thomas Pelham Clinton* commonly called Lord *Thomas Clinton*, the Right Honourable *John Pelham Clinton* commonly called Lord *John Clinton*, the Honourable *Thomas Willoughby*, the Right Honourable Sir *John Shelley*, Baronet, Sir *George Savile*, Sir *William Molyneux*, Sir *George Smith*, Sir *Samuel Gordon*, Sir *Richard Sutton*, Baronets, the Reverend *William Rastall*, the Reverend *Richard Sutton*, Doctors in Divinity, *William Musket*, *William Threlfull*, *Wright*, Doctors of Physick, the Reverend *Willingm Cheples*, *John Disney*, *John Edwards*, *William Harding*, *Francis Ireland*, *Robert Lock*, *Henry Martin*, *James Andrew Milnes*, *John Ridghill*, *Hugh Wade*, Clerks, *Charles Anacott*, *Sampson Allen*, *Darcy Burnell*, *John Broadhurst*, *John Bright*, *Job Brough*, *Thomas Bland*, *John Broadhurst*, Joiner, *William Bingham*, *William Bradley*, *William Bradley* the younger, *Samuel Brooksby*, *Robert Wilson Crocroft*, *John Crocroft*, *William Cartwright*, *Job Staunton*, *Charlton*, *Nathaniel Carpenter*, *Bryan Cooke*, *Henry Cooke*, *John Gilbert Cooper*, *Handasyde Charters*, *John Clay*, *Edward Cole*, *Edward Clark*, *John Clark*, *James Clark*, *Richard Rawson Camm*, *Robert Waring Darwin*, *Lewis Disney*, *John Derry*, *Thomas Derry*, *Richard Doubleday*, *John Entwistle*, the younger, *James Entwistle*, *Richard Eastland*, *William Eyre*, *Robert Foster*, *John Fowler*, *Jenison William Gordon*, *John Girton*, *James Guthrie*, *John Godfrey*, *Joseph Gill*, *John Hewett*, *Robert Holden*, *Alexander Atkinson Holden*, *Robert Holden*, of Newark, *Thomas Heron*, *Richard Heron*, *William Holt*, *Edmund Hynde*, *William Handley*, *William Handley* the younger, *William Handley*, Wine-merchant, *Nicholas Hutchinson*, *Robert Hilton*, *Thomas Haslam*, *John Heppenstall*, *Thomas Harrison*, *Richard Hutton*, *George Hutton*, *William Kirke*, *John Lacy*, *Daniel Lynch*, *William Linthwaite*, *John Manners*, *George Mason*, *George Mason* the younger, *William Martin*, *Robert Martin*, *Thomas Morley*, *Henry Milnes*, *George Nevile*, *Joshua Peart*, *Roger Pocklington*, *Joseph Pocklington*, *Timothy Rastall*, *Samuel Rastall*, *Robert Rousby*, *John Ridgill*, *George Sutton*, *John Sutton*, *Joseph Sikes*, *John Laycock Story*, *Thomas Shittlewood*, *John Smith*, *William Smith*, *Samuel Sketchley*, *Robert Spragging*, *Thomas Spragging*, *Henry Smart*, *Henry Stuart*, *David Stephenson*, *John*

Truxwell, John Twelch, James Tomlinson, William Tomlinson, George Tomlinson, Hardwick Taylor, Thomas Toder, Richard Thorpe, John Twentyman, Samuel Twentyman, Richard Tuxworth, John Whetham, James Wilcockson, John Wood, the Mayor and Aldermen of the Borough of *Newark upon Trent*, in the County of *Nottingham*, for the Time being, the Recorder of the said Borough for the Time being, the Vicar of *Newark upon Trent* aforesaid for the Time being, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Commissioners for improving and completing the Navigation of the said Branch of the River *Trent* which runs by the Town of *Newark* from a Place called *The Upper Wear*, in the Parish of *Averham*, in the County of *Nottingham*, to a Place called *The Crankleys*, in the Parish of *South Muskham*, in the said County, and for putting in Execution the several Powers given to them in and by this Act.

And be it further enacted, by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet on that Day Three Weeks after Passing of this Act at the *King's Hall*, in *Newark upon Trent* aforesaid, and shall then proceed to the Execution of the Powers given to them in and by this Act; and the said Commissioners, or any Seven or more of them, shall hold One general Meeting on the First Thursday in *May* in every Year in the said Town of *Newark upon Trent*; and the said Commissioners, or any Seven or more of them assembled at such First or any subsequent Meeting, may from time to time adjourn and hold their Meetings at such Time or Times, Place or Places, being within the said Town of *Newark upon Trent*, or within the Distance of Seven Miles from the said Navigation, as they or any Five or more of them shall think most convenient for putting the Powers given to them in and by this Act in Execution; and if at any Time a sufficient Number of Commissioners shall not attend to adjourn, the Treasurer or Clerk to the said Commissioners shall adjourn the said Meeting to some other Day, to be held at the same Place where such Meeting was appointed to be held, giving such Notice as by this Act is directed; and that no Person shall act as a Commissioner in the Execution of this Act during the Time he shall hold any Place of Profit under this Act; but all such Commissioners as are Justices of the Peace for the said County of *Nottingham*, or the Borough of *Newark upon Trent*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

And be it further enacted, by the Authority aforesaid, That it shall not be lawful for the said Commissioners to act in the Execution of any of the Powers hereby given (except as a Justice or Justices of the Peace or for the Purpose of appointing Collectors as herein after is mentioned) but at a public Meeting to be held in pursuance of this Act; and that no Meeting shall be held unless *Notice in Writing or in Print*, under the Hand of the Clerk to the said Commissioners, of the Time and Place of holding every such Meeting shall be affixed upon the Door of the *King's Hall* and the

Time and
Place of
Meeting of
Commissioners.

No Commis-
sioners to
have any
Place of Pro-
fit; but Jus-
tices may act
as Justices in
the Execution
of the Act,
notwithstand-
ing their be-
ing Commis-
sioners.

Commission-
ers not to act
but at a public
Meeting.

Door of the Parish Church of Newark upon Trent aforesaid, Ten Days at least before every such Meeting (Meetings by Adjournment excepted).

Appointing new Commissioners in case of Death or Refusal to act.

And be it further enacted, by the Authority aforesaid, That upon the Death or Refusal to act of any Commissioner hereby appointed or hereafter to be elected, the surviving or remaining Commissioners, or any Seven or more of them, shall and may from time to time elect One other Commissioner in the Room of every such Commissioner deceased or refusing to act; and every Person so elected shall have the same Authority as if he had been named a Commissioner in this Act, Ten Days Notice being first given as herein before-directed of a Meeting to be held for the Purpose of electing such Commissioner.

Qualification of Commissioners.

And be it further enacted, by the Authority aforesaid, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be in his own Right or in Right of his Wife in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments of the yearly Value of Forty Pounds above Reprizes, or be possessed of or intitled unto a personal Estate to the Amount or Value of One thousand Pounds (after Payment of Debts); and if any Person not being so qualified shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds to any Person or Persons who will sue for the same, to be recovered with double Costs of Suit by Action of Debt, Bill, Plaintiff, or Information in any of his Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Wager of Law, or more than One Impariment, shall be allowed; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof on the Part of the Prosecutor than that such Person has acted as a Commissioner in the Execution of this act.

Penalty on Commissioners acting wherein they are any-ways concerned.

Provided always, and be it enacted, by the Authority aforesaid, That if any Commissioner shall act in the Execution of this Act, or any of the Powers herein contained, where he is any-ways concerned in the Matter in Question, every such Commissioner shall for every such Offence forfeit the Sum of Fifty Pounds to any Person or Persons who will sue for the same; to be recovered in the same Manner and with like Costs of Suit as the Penalty for acting as a Commissioner in the Execution of this Act, not having the Qualification herein appointed for a Commissioner, may be recovered; any Thing in this Act contained to the contrary notwithstanding.

Commissioners to be sworn.

And be it further enacted, by the Authority aforesaid, That all and every Person and Persons constituted and appointed a Commissioner or Commissioners by virtue or in pursuance of this Act, before he and they take upon himself or themselves to act as a Commissioner or Commissioners (other than administering the following Oath to one another, which they or any

Two or more of them, are hereby empowered and required to do) shall take and subscribe the following Oath:

I A. B. do swear, That I will, without Flavour or Affection to any Person or Persons whatsoever, truly, faithfully, and impartially execute, perform, and discharge the Office and Duty of a Commissioner, according to the Powers, Authorities, and Directions given and established by an Act of Parliament "for Improving and Completing the Navigation of that Branch of the River Trent which runs by the Town of Newark upon Trent, from a Place called The Upper Wear, in the Parish of Averham, in the County of Nottingham, to a Place called The Crankleys, in the Parish of South Muskham, in the said County."

So help me GOD.

Commissioner's Oath.

Which Oath so taken and subscribed as aforesaid shall be kept by the Town Clerk of the Borough of Newark upon Trent aforesaid, among the Records of the Sessions of the Peace in and for the said Borough.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall be and they are hereby empowered from time to time, by Writing under their Hands and Seals, to appoint such Collector or Collectors of the Rates or Duties herein after-mentioned, and also such Treasurer or Treasurers as they shall think fit to employ in the Execution of this Act, such Treasurer or Treasurers and Collector or Collectors giving Security to the Satisfaction of the said Commissioners, or any Seven or more of them, and such Collector or Collectors shall at such Time or Times as he or they shall be required by the said Commissioners, or any Seven or more of them, by Writing under their Hands and Seals, pay or cause to be paid into the Hands of the said Treasurer or Treasurers all and every the Sum and Sums of Money which such Collector or Collectors shall have received by virtue of this Act; and the said Commissioners, or any Seven or more of them, may also by Writing under their Hands and Seals appoint a Clerk or Clerks, and such other necessary Officers as they shall think fit to employ in the Execution of this Act; and all the Officers so to be appointed shall be paid out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said Commissioners, or any Seven or more of them, shall think reasonable, and shall be from time to time removable at the Will and Pleasure of the said Commissioners, or any Seven or more of them.

Commissioners to appoint Officers.

And be it further enacted, That the said Treasurer or Treasurers shall fairly enter into One or more Book or Books to be kept for that Purpose an Account of all Monies by him or them received and disbursed, specifying the Times when, and the Persons from and to whom such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody relating to the Execution of this Act, shall be delivered to the said Commissioners, or any Seven or more of them, at

Receipts and Payments to be entered in a Book.

some public Meeting Twice at least in every Year, and from time to time as often as the said Commissioners, or any Seven or more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said Commissioners, or any Seven or more of them; and the said Commissioners, or any Seven or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said Commissioners, or any Seven or more of them, shall also at such Time or Times as they shall think proper summon before them, and if they think fit examine upon Oath (which Oath, as also the Oath or Oaths to the said Treasurer or Treasurers, the said Commissioners, or any One or more of them, is and are hereby empowered to administer) all or any such Collectors, Clerks, and Persons employed in or intrusted with the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and the said Collectors, Clerks, and Persons employed in or intrusted as aforesaid shall render to the said Commissioners, or any Seven or more of them, from time to time as often as they shall be thereunto required by the said Commissioners, or any Seven or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments, and also all Books and Papers in their Custody relating to the Execution of this Act; and in case any such Treasurer, Collector, Clerk, or other Officer or Person shall be found in Arrear, or refuse to account or to pay the Money remaining in his Hands, or refuse to verify the Account upon Oath if thereunto required, according to the Directions of the said Commissioners, or any Seven or more of them; or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid, in every such Case it shall be lawful for any One Justice of the Peace for the County or Place wherein such Officer or Person shall be or reside to make Enquiry into such Default, either by the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer) and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice shall and he is hereby empowered, by Warrant under his Hand and Seal, to commit every such Officer and Person to the common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with or satisfied the said Commissioners, or any Seven or more of them; which Composition the said Commissioners, or any Seven or more of them, are hereby empowered to make.

Commission-
ers may ap-
point Collec-
tors, tho' not
at a public
Meeting.

Provided also, That as often as any Collector of the Rates or Duties shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Commissioners, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Rates or Duties; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Commissioners, or any Seven or

more of them, shall at a Meeting to be held by virtue of this Act appoint a Collector of such Rates or Duties.

And be it enacted by the Authority aforesaid, That they the said Commissioners, or any Seven or more of them, are hereby authorized and impowered to employ or contract with any Person or Persons for making and completing the Navigation of the said Branch of the said River *Trent*, or for the Performance of any Works which they the said Commissioners, or any Seven or more of them, shall think necessary to be done in pursuance of this Act, such Contracts to be for such Time or Times, and under such Conditions as they the said Commissioners, or any Seven or more of them, shall think proper: And they the said Commissioners, or any Seven or more of them, shall and may have Power and Authority to purchase Lands for the Use of the said Navigation without incurring any of the Penalties or Forfeitures of the Statue of Mortmain; and they the said Commissioners, or any Seven or more of them, and their Agents, Servants, and Workmen, are hereby authorized and impowered in, upon, or through the Lands or Grounds of or belonging to the King's Majesty, his Heirs or Successors, or of any other Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever adjoining to the said Branch of the said River *Trent* (not being the Ground whereon a Dwelling-house or Out-house stands, or a Garden, or Yard, except the Garden, Yard, or Ground, commonly called *The Pond Yards*, belonging to the Flood Mill, now in the Possession of *Thomas Shittlewood* and *Thomas Toder*, as Tenants to *Robert Wilson Cracrost*, Esquire, and not being a Park, Paddock, planted Walk, or Avenue to an House, Lawn inclosed or adjoining to a Mansion-house, and not being at a greater Distance from either Side of the said Branch than Twenty Yards in any Part from the said upper Wear to the *Flood Mill*, or at a greater Distance from either Side of the said Branch than One hundred Yards in any Part from the said *Flood Mill* to the *Castle*, nor at a greater Distance than Twenty Yards from either Side of the said Branch in any Part from the said *Castle* to a Place called *The Newark Cow Pasture*, nor at a greater Distance than One hundred Yards from either Side of the said Branch in any Part from the said *Cow Pasture* to the North End of a Close called *Pearson's Close*) to enter and to dig, cut, remove, take, carry away, and lay Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand (except the Beds of Gravel or Sand at and above the most Western Island situate upon the main Brauch of the said River *Trent*, and belonging to the Right Honourable *George Sutton* commonly called Lord *George Sutton*) or any other Matters and Things which may be dug or got for the making wider or deeper the said Branch of the said River *Trent*, and improving and completing the said Navigation, and which may be proper for improving and completing the same, or which may hinder the making, using, completing, extending, and maintaining the same; and also to make, build, erect, and set up in or upon the said Branch of the said River *Trent*, or upon the Lands adjoining or near the same respectively (except as aforesaid) such and so many Locks, Dams, and Shuttles, and such other Works as may be necessary for the making or repairing such Locks, Dams, Shuttles, and other

Commissioners may contract for making the Works of the Navigation.

and purchase Lands for that Purpose.

Works; and also to make such Cut or Cuts within the respective Distances before-mentioned from each Side of the said Branch in the Manner, Place or Places, and of the like Height and Dimensions, and under such Restrictions as are herein after-mentioned; as and where they the said Commissioners shall think requisite and convenient for the Purposes of the said Navigation (except as herein after-exceptioned); and also from time to time to alter; repair, amend, widen, and enlarge the same respectively, or any other Conveniences above-mentioned, as well for the carrying and conveying Goods, Commodities, or other Things to or from the said Branch of the said River, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, and repairing, amending, widening, or enlarging the said Works of or belonging to the said Navigation; and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done (except as aforesaid); and also to make, maintain, repair, and alter any Fences or Passages over or through the said Branch of the said River *Trent*, as the said Commissioners, or any Seven or more of them, shall think convenient.

Provided nevertheless, That all such Earth, Soil, or other Materials so laid upon such Grounds shall be removed and taken away by and at the Expence of the said Commissioners within Thirty Days, or within a reasonable Time after Request made for that purpose.

Boats, &c. to
be haled with
Men only.

And be it further enacted and declared, That all and every Person and Persons whatsoever who shall hereafter be employed in navigating any Boat, Barges, or other Vessels upon the said Branch of the said River *Trent*, shall and may hale or tow the same with Men only in such Manner as they may hale or tow on the Banks of the said River *Trent*, and not otherwise.

Boats, &c.
not to be
haled upon
the Banks on
the East Side
between the
Mouth of the
Devon and
the End of
Cow Lane.

Provided always, That nothing herein contained shall authorize or empower any Person or Persons whatsoever to hale, tow, or draw any Boat, Barge, or other Vessel in or upon the Banks on the East Side of the said Branch between the Mouth of the River *Devon* and the End of *The Cow Lane*, at the North End of the Town of *Newark upon Trent* aforesaid, or to moor the same between the Places aforesaid (except at the public Wharfs) without the Consent of the Owner or Owners, Occupier or Occupiers of the Lands or Grounds where they shall so moor the same.

To make and
keep Works
in Repair.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may and they are hereby authorized and impowered, for improving and completing the said Navigation, to stop or to divert the Waters thereof whilst any of the Works are making or repairing; provided that by such diverting they do not run off the same to any lower Gauge or Height than as herein after is fixed and directed, but shall during such Erection, making or repairing the Lock, Dam, Shuttle, or other Works proposed to be erected and made at or about the *Flood Mill*, make or cause to be made such temporary Dam or Dams above the same as shall keep the

Waters at least as high as Low Water in the *Trent* at the upper Wear, so that no Water may be taken therefrom during such Erection or making or repairing the said Works, they the said Commissioners, their Agents, Servants, and Workmen doing as little Damage as may be in the executing the several Powers to them hereby granted, and making Satisfaction in Manner herein after-mentioned to the Owner or Owners, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, Mills or Water-courses respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Commissioners, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisions and Restrictions as are herein after-mentioned.

Provided always, and be it enacted, That in improving and completing the said Navigation the said Commissioners shall and may, and they or any Seven or more of them are hereby authorized and required to make a Dam of Stone or Brick above and on the South East Side of the Two working Water Corn Mills called *Newark Mills*, situate upon the said Branch of the River *Trent*, and now belonging to *Robert Wilson Cracraft*, Esquire, such Dam to be made at least as high as the Low Water Surface of the main Branch of the River *Trent* at the said upper Wear, as shall be gauged, fixed, and ascertained by exact Levels to be taken previous to the making and fixing thereof; which said Dam so to be made as aforesaid shall, and the same is hereby required to be always kept Water-tight, so that no Water may run to or be taken from the said Branch of the River *Trent* running by the Town of *Newark*, or from the main Branch of the said River *Trent* running by *Averham*, *Kelham*, and *South Muskham* aforesaid by the said *Newark Mills* at any lower Gauge or Height than above the Top of the said Dam, and that the Lock to be made upon the said Branch nearest to the said Dam (which Lock shall and is hereby directed to be made below the River *Devon*) shall be made higher than the said Dam, and shall be constructed with Two Pair of Up-stream Pointing Doors, not exceeding Sixteen Feet in Width within, and that the Pen of the said Lock shall not exceed Eighty-five Feet in Length, nor Seventeen Feet in Width, nor Eight Feet in Depth when the Water is at the lowest, and that the upper Sill of such Lock shall be laid level with the Bottom of the River at the said upper Wear, so that no Water may run to or be taken from the said proposed navigable Branch, or from the main Branch of the *Trent*, by the said Mills, at any lower Gauge or Height than above the top of the said Dam.

A Dam of
Stone or Brick
to be made
above New-
ark Corn
Mills.

Lock to be
made below
the River
Devon.

And be it further enacted, That the said Commissioners, or any Seven or more of them, are hereby authorized and required to make another Dam of Stone or Brick above and on the North West Side of the said Two working Water Corn Mills called *Newark Mills*, situate on the said Branch of

Another Dam
to be made
above New-
ark Water
Corn Mills.

the River *Trent*, such last-mentioned Dam to be made the same Height with the said former Dam, and to be made from and adjoin to the furthermost Side of the furthest of the said Two Mills towards the North West, and to extend therefrom unto and to adjoin to the furthermost Point of the said first mentioned Dam towards the South West; which said dam so to be made as aforesaid shall and the same is hereby required to be always kept Water-tight, so that no waste Water running over the said first-mentioned Dam shall run to Waste over or by the said Second Dam, but that the same shall and may be conducted to the said Two Mills for the working thereof; which said Second Dam shall be erected and built, and upheld and kept in Repair by the said Commissioners from time to time and at all times hereafter by and out of the Money to be raised in pursuance of this Act.

Impowering
Mr. Cracrost
to rebuild
Newark
Water Corn
Mills.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said *Robert Wilson Cracrost*, his Heirs or Assigns; from time to time and at any time hereafter to rebuild or erect any new Mills or Wears upon the said Branch of the said River *Trent*, where the said Two working Water Corn Mills called *Newark Mills* now stand, in the same Manner as he or they could or might do in case this Act had not been made; but so as that by the erecting thereof he or they do not obstruct or prejudice the said Navigation.

A Boat to be
provided for
the Use of the
Owners or
Occupiers of
Willow Holt
Close.

And whereas the Road which leads through the said Branch of the River *Trent* to a certain Close belonging to the said *Robert Wilson Cracrost*, lying in the Parish of *Newark* aforesaid, called *The Willow Holt Close*, will, by the improvement of the said Navigation, be rendered impassable at certain Seasons of the Year; Be it therefore enacted, That the said Commissioners, or any Seven or more of them, shall make and build, or cause to be made or built, a Boat of sufficient Size and Capacity to contain Two Tons of Hay for the Use of the Owner or Occupier of the said Close for the Time being; for the Purpose of passing and repassing to and from the same; and shall also annually pay or cause to be paid to the Owner of the said Close for the Time being (such annual Payment to be computed from the next Quarter Day after such Boat shall have been delivered to the Owner or Occupier of the said Close) the Sum of Ten Shillings towards the Expence of repairing and keeping in Repair the said Boat; or of building a new Boat, in case the old Boat should be worn out, or rendered useless; and that the Expence of building the said Boat, and also the said annual Sum of Ten Shillings shall be paid for and defrayed out of the Monies to be raised by virtue of this Act; and that from and after the said Boat shall have been delivered into the Possession of the Owner or Occupier of the said Close for the Time being; such Boat shall be repaired and kept in Repair at the sole Costs and Charges of such Owner; and in case at any Time thereafter there shall be Occasion for a new Boat, then such new Boat shall be built and provided at the sole Costs and Charges of such Owner; any Thing herein contained to the contrary notwithstanding.

And be it further enacted, That in case the said Commissioners shall neglect or refuse to make and build, or cause to be made or built, such Boat for the Space of Three Calendar Months after Request made to them, or to their Treasurer or Clerk, by the Owner of such Close, then such Treasurer or Clerk shall forfeit or pay to such Owner the Sum of Twenty Pounds, or in case the said annual Payment shall, at the Expiration of any Year after the same shall become due, be behind and unpaid for the Space of Ten Days after Demand made to the said Commissioners, or their Treasurer or Clerk by such Owner, then such Treasurer or Clerk shall forfeit or pay the Sum of Twenty Shillings to such Owner; and in case of Non-payment of such respective Forfeiture or Forfeitures by such Treasurer or Clerk, then such Forfeiture shall and may be recovered by such Owner in the same Manner as other Fines and Forfeitures are in and by this Act directed to be recovered.

To oblige the Commissioners to provide the Boat within a certain Time.

Provided also, and be it enacted, That in case any new Cut shall be made between the said Lock and the said upper Wear, the said Cut shall not exceed the Width of Thirty-four Feet at the Bottom, and shall be of the same Depth with the Floor of the upper Doors of the said Lock, and with the Bottom of the said River *Trent* at the said upper Wear, and shall be so made as to carry Two Feet of Water betwixt the said Lock and upper Wear, when the Water is at the lowest; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to take away, deepen, and widen the several Shoals within the said Branch, so as to make the said Navigation to carry Two Feet of Water in the driest Seasons.

If any new Cut shall be made between the Lock and the upper Wear, it shall not be wider than 34 Feet.

Provided also, and be it enacted, That nothing in this Act contained shall empower the said Commissioners to take away any Water from the said River *Trent*, except such as shall flow into the Mouth of the said Newark Branch at the said upper Wear.

Commissioners shall not take away any Water from the Trent, except what shall flow into the Mouth of the Newark Branch at the upper Wear.

And be it further enacted, by the Authority aforesaid, That it shall not be lawful for the said Commissioners, or any of them, their Agents, Lock-keepers, Servants, or Workmen, or any Boatmen, Bargemen, Watermen, or any other Person or Persons whatsoever, to take, use, or employ any Water through the Lock-gates, Flood-gates, Slakers of the Lock-doors, Sluices, Tunnels, Trenches, Drains, or other Watercourses or Passages for Water belonging or appertaining to the said Navigation; other than what may be necessary for filling the Pen of the first or uppermost Lock at the Passage of any Boat, Barge, or other Vessel through it, or what shall run over the Dam of Stone or Brick to be made above or on the South East Side of the Two working Water Corn Mills called *Newark Mills*, as herein before directed to be made, at least as high as the Low Water Surface of the main Branch of the said River *Trent* at the said upper Wear; and in case any Agent, Lock-keeper, Servant, or Workman of the said Commissioners, or any Boatman, Bargeman, Waterman, or any other Person or Persons whatsoever shall draw the said Locks, Slakers, Sluices, or Tunnels, or open the said Lock-gates, Flood-gates, or Doors, or cut, dig, or open

Penalty on Persons wasting Water

any Trenches, Drains, Gutters, or other Watercourses or Passages for Water, so as by such Means any Water shall be expended, wasted, or taken away from the main *Trent*, otherwise than as aforesaid, such Person or Persons so offending herein shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, or less than Twenty Shillings, to be recovered upon Conviction before any Justice of the Peace for the said County of *Nottingham*, or Borough of *Newark upon Trent*, not interested otherwise than as a Commissioner, by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, or other Vessel, or of any of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any be) after the reasonable Charges first deducted, to such Offender or Offenders; and for Want of sufficient Distress such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction for the County of *Nottingham*, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor less than Fourteen Days, or until the said Penalty and all Charges shall be fully satisfied and paid.

No Damage
to be done to
the Lands on
either Side of
the Branch.

Provided always, and be it enacted, That in improving and completing the said Navigation, the said Commissioners shall so construct the same, that no Damage or Injury shall be done to any of the Lands or Grounds adjoining on either Side of the said Branch of the said River *Trent* by holding up and impounding the Water, nor shall the Water be held up or impounded by any Lock, Dam, or Shuttle to be erected as aforesaid, or by any other Means, within Two Feet of the medium Level of the Soil of the Land adjoining on either Side of the said Branch or River *Devon* (except of the Levels of the Soil of such Land as has been gained from the said Branch or River *Devon*) ; or within Seven Feet and Six Inches of the lower or under Side of the Crown of the most Western Arch of the present Bridge called *Markham Bridge*, through which Arch the said River *Devon* flows at low Water; and if any Damage or Injury shall at any Time hereafter arise to any of the Proprietors of such Lands or Grounds thereby, the said Commissioners shall and they are hereby required from time to time to make good such Damage or Injury in the Manner herein after directed.

Commission-
ers so to make
the Naviga-
tion, as not to
injure the Na-
vigation of
the other
Branch of the
River *Trent*

Provided also, That the said Commissioners shall and they are hereby required so to make the said Navigation, that the Navigation of the other Branch of the River *Trent* running by the several Villages of *Averham* and *Kelham* to *The Crankleys* aforesaid, may in no Manner be obstructed or hindered by the improving and completing of the Navigation of the said Branch which runs by the Town of *Newark*.

Commission-
ers to keep in
Repair the
upper Wear.

And be it further enacted, by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall and they are hereby required from time to time and at all Times hereafter, when and as often as the same shall be necessary, by and out of the Money to be raised by virtue

of this Act, to repair, amend, and keep in Repair the said upper Wear in such Manner as to answer the Purpose of improving and completing the said Navigation and the Working of the said Newark Water Mills, so as that by such Reparation they do not in any-wise prejudice the Right and Property in the said upper Wear of the Owner or Owners thereof, his or their Heirs and Assigns, or obstruct or prejudice the Navigation of the other Branch of the said River *Trent* running by or near the Villages of *Averham* and *Kelham* to *The Crankleys* aforesaid, or do any Damage or Injury to any of the Lands or Grounds adjoining to the said upper Wear, or upon either Side of the said Branch of the River *Trent*; and it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, their Agents, Servants, or Workmen, from time to time to enter into and upon any Lands or Grounds adjoining to the said upper Wear, for the Purpose of repairing the same as aforesaid, making Satisfaction to the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for the Time being; provided that such Damage exceeds the Value of One Shilling.

Provided always, and be it enacted, That it shall and may be lawful to and for any of the Proprietors or Owners of any of the Lands or Grounds on either side of the said Branch of the said River *Trent*, at his, her, or their own Expence, to make, put down, build, and erect any Sluices, Tunnels, Drains, or Cuts into, under, or through the said Navigation and the Banks thereof, for the better draining or watering the said Lands or Grounds; provided that no such Works shall obstruct or be prejudicial to the said Navigation, Banks, Locks, Sluices, or other Works thereupon.

Land owners
may make
Sluices, &c.

Provided also, That the said Land-owners shall from time to time keep such Works in good and sufficient Repair.

and keep
them in Re-
pair.

Provided always, That nothing in this Act contained shall extend or be construed or deemed to extend to hinder *Robert Wilson Cracroft*, Esquire, *Thomas Heron*, Esquire, or *Henry Cooke*, Esquire, or their respective Heirs and Assigns, or the Trustees of certain Lands called *Brown's Land*, or their Successors, Lessees, or Assigns, from planting any Trees or making such Water-works as they shall judge necessary for securing the Banks of their respective Grounds next and adjoining to the said Branch of the said River *Trent*, between the said River *Devon* and the Flood-mill now belonging to the said *Robert Wilson Cracroft*, on the said Branch of the said River *Trent*, so as that such Plantations or Works shall not interrupt or occasion any Damage to the Navigation hereby directed to be made.

Not to hinder
Mr. Heron,
&c. from
planting
Trees, &c.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, their Agents and Servants, from time to time and at all Times hereafter to enter upon the Lands or Grounds of the King's most Excellent Majesty, or the several Persons, Bodies Politic, Corporate, or Collegiate, through which the said Branch of the said River runs, and upon which the Works hereby authorized are intended to be made, in order to

Commission-
ers and their
Agents to
enter Lands.

survey and take a Level of the said Branch, and to set out and ascertain such Parts thereof respectively as they shall think necessary or proper for the improving and completing the said Navigation, and for making the several Works aforesaid, they the said Commissioners, and such Agents and Servants, making Satisfaction for the Damage they shall do thereby to the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for the Time being, provided that such Damage exceeds the Value of One Shilling.

Bodies Politic,
&c. impow-
ered to sell and
convey to the
Commission-
ers.

And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained for making and completing the said Navigation, and other the Purposes herein before-mentioned, it shall and may be lawful for the King's most Excellent Majesty, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Ideots, or Femmes-covert, who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall from time to time be so set out and ascertained as aforesaid ; and whereby making and improving the said Navigation the Property of any Land-owner shall be so separated as to render the Occupation thereof inconvenient, it shall and may be lawful to and for the King's most Excellent Majesty, and to and for such Bodies Politic, Corporate, and Collegiate, and other Land-owners, under any Disability as aforesaid, by and with the Consent of the said Commissioners, or any Seven or more of them, to be testified by any Writing or Writings, to be by them sealed and delivered in the presence of and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in Lieu of other Lands, all or any Part of such Lands or Grounds as shall remain or be left after the Land or Ground shall be ascertained and set out for making the said Navigation, or that shall be so separated by making and improving thereof as aforesaid, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners, or any Seven or more of them, shall seem reasonable, and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever ; any Law, Statute, Usage, or Custom to the contrary thereof in any-wise notwithstanding : And all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue or in pursuance of this Act ; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances

(other than those which concern any Purchase or Exchange between any such respective Land-owners) so to be made as aforesaid, shall, at the Expence of the said Commissioners, be iarrolled with the Clerk of the Peace for the said County of *Nottingham*, or the Town Clerk of the Borough of *Newark upon Trent* aforesaid, as the Case shall be; and true Copies thereof attested by the proper Officer shall be allowed to be good Evidence in all Courts whatsoever; for which Iarrolment or Copy thereof shall be taken the Sum of Three Pence for every one hundred Words, and so in Proportion for a greater or less Number of Words, and no more.

Copies deemed Evidence.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts and Manors whereof such Lands are held, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Bargains and Sales of Copyhold Lands to be surrendered as Copyhold.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, so qualified as by this Act is directed, and they are hereby required to settle, determine, and adjust what shall be paid to all and every Person or Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, navigable or other Waters that shall or may from time to time and at any Time hereafter be affected or prejudiced by the Execution of any of the Powers hereby granted, and to direct the same to be paid out of the Monies to be raised by virtue of this Act; and they the said Commissioners, or any Five or more of them, acting in such Question, Matter, or Difference as shall arise, are hereby empowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust from time to time what Sum or Sums of Money shall be paid to such Person or Persons, or any of them, either by annual Rent or Payment, or by a Sum of Money in gross, or other Satisfaction as herein after is mentioned, to and at the Election of the King's Majesty, his Heirs or Successors, or such Bodies Politic, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid for improving and completing the said Navigation, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times whatsoever sustained by the King's Majesty, his Heirs or Successors, or any Bodies Politic, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Mills, Lands, Grounds, Tenements, or Hereditaments, for or by reason of the severing or dividing of the same, for the making, improving, and completing the said Navigation, or the several Flood-gates, Locks, Dams, and Works aforesaid, or by the altering, diverting, taking away, or using any Streams.

Commissioners to determine what shall be paid for Lands, &c.

of Water or Watercourses flowing to or supplying with Water the other Branch of the *Trent* running by the Towns of *Averham*, *Kelham*, and *South Muskham*, or any Mill or Mills pursuant to the Powers hereby given, or by reason or means of the Execution of any of the Powers herein contained, by the said Commissioners, their Agents, Servants, or Workmen, and to direct the same to be paid as aforesaid; and in case such Price or Value, Damages, and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Commissioners, or their Agents for the Time being, or any of them, and such Proprietors of and Persons interested in the said Lands and Grounds as aforesaid, or if any such Bodies Politic, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Part shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, and if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be so determined to be paid, or if upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, he, she, or they shall, for the Space of Thirty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premises they are or shall be in Possession of, or to the Interest they claim therin, then and in every such Case the said Commissioners, or any Five or more of them, shall and they are hereby empowered and required from time to time to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County of *Nottingham* for the Time being respectively, or in case such Sheriff or his Under-sheriff respectively or either of them shall happen to be any-wise interested in the Matter in Question, then to the Coroner of the said County of *Nottingham*, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in his Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Ten or more than Twenty Days after such Warrant shall be served upon the said Sheriff or Coroner respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by,

Proprietors,
&c. refusing
to submit to
the Deter-
mination of
Commission-
ers, or being
dissatisfied
therewith:

Commission-
ers to issue
Warrants to
Sheriff or Co-
roner to im-
panel a Jury.

or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Five or more of them, are hereby empowered and required to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matter in Question; and the said Commissioners, or any Five or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and in so doing the said Jury shall take into Consideration the Damage or Inconvenience which may arise by means of any Works made for the Purposes of the said Navigation, and to assess separate Damages for the same; and the said Commissioners, or any Five or more of them, shall give Judgment for such Purchase Monies, Rent, or Recompence so to be assessed by such Juries, and direct the same to be paid by the Treasurer to the said Commissioners by and out of the Money to be raised by virtue of this Act; which said Verdict, and the Judgment thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever; and in case the said Commissioners, or any Five or more of them, or their Treasurer, shall not (being thereunto required) make such Payment within Two Calendar Months after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Rates or Duties which shall be appointed to be collected by virtue of this Act on the said Branch of the said River *Trent*, and thereout to pay the Damage which shall have been settled and assessed as aforesaid, and also all Expences attending the Receipt of such Rates and Duties; and the Money to be received by such Receiver or Receivers shall and is hereby declared to be as so much Money received to the Use of the Person or Persons who has or have suffered such Damages, in Order and Course successively as such Determinations shall be in Priority of Time; and after such Damages so settled and assessed, and also the Charges attending the Receipt of such Rates and Duties shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes last-mentioned shall cease and determine; or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum and Sums of Money so assessed and awarded for Damages of any Kind by virtue of this present Act as aforesaid, and which shall not be paid as aforesaid, by Action at Law in any of his Majesty's Courts of Record at *Westminster* against the Treasurer to the said Commissioners, and shall and may recover the same with Costs of Suit, as between

Jurors may be challenged.

Attorney and Client; and such Treasurer is hereby authorized and impowered upon Payment thereof to stop and deduct the same, together with all Costs and Charges he shall be put to thereupon, out of the Monies he shall receive by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

**Penalty on
Sheriff's making Default.**

Provided always and be it enacted, That if any such Sheriff or Coroner, his Deputy or Agent, shall make Default in the Premises, every such Person so making Default shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Five or more of them, shall for every such Offence forfeit and pay the Sum of Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted.

**Expence of
Juries how to
be borne.**

Provided also, and be it enacted, by the Authority aforesaid, That in all cases where a Verdict or Assessment shall be given or made for the same Sum or more Monies as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property of any Person or Persons whatsoever than had been determined and assessed by the said Commissioners, that then all the Expences of summoning such Jury and of taking such Inquest shall be settled by the said Commissioners, or any Five or more of them, and be defrayed by the Treasurer to the said Commissioners; but if any Verdict or Assessment shall be given or made for a less Sum than had been previously determined or assessed by the said Commissioners as aforesaid, then and in every such Case the Costs and Expences of summoning such Jury and taking such Inquest shall be settled in like Manner by the said Commissioners, or any Five or more of them, and be borne or paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute.

Persons requesting a Jury to enter into Bonds to prosecute.

Provided also, and be it enacted, That all and every such Person or Persons making Complaint and requesting such Jury shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond to the Treasurer to the said Commissioners for the Time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for a less Sum than had been assessed by the said Commissioners before the summoning and returning of the said

Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages as aforesaid; and in such Case the Treasurer to the said Commissioners shall also enter into a like Bond to the Person or Persons making Complaint and requesting such Jury as aforesaid, that he will bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for a greater Sum than has been assessed by the said Commissioners as such Recompence or Satisfaction as aforesaid.

Provided also, and be it enacted, That the said Commissioners shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whatsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue of this Act, unless Application hath been first made in relation thereto by or on Behalf of such Person or Persons to the said Commissioners, or to their Clerk or Treasurer, or to some Collector of the Rates and Duties arising from the said Navigation, within the space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the Doing or Commitment thereof shall have ceased.

Complaint of Injury to be made to the Commissioners or their Clerk, &c. within Six Months after the same shall have been sustained.

And be it further enacted, That all Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgments, being first signed by Five or more of the said Commissioners who shall be present at the making of such Determinations or the taking of such Verdicts and pronouncing of such Judgments respectively, shall be transmitted to and kept by the Clerk of the Peace for the said County of Nottingham, or the Town Clerk of the said Borough of Newark upon Trent respectively, as the said Verdicts and Judgments relate to or concern any Matters arising within the said County or Borough respectively, and as the Case shall require, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof attested by the proper Officer, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances as are herein before-mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof without Stamps, paying for every Copy not exceeding One hundred Words the Sum of Three Pence, and so in proportion for any Number of Words; and immediately on such Payment or Tender of Payment and Entry of such Verdicts, Judgments, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Commissioners, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same to them by Lease and Release;

Verdicts, &c.
to be recorded

On Payment
of Purchase-
money, Lands
&c. to vest in
Commission-
ers, &c.

Bargain and Sale, Deed introlled, Feoffment with Livery of Seisin, Fine and Recovery, or other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to extend to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail in Reversion or Remainder against the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Fine and Recovery or either of them would have done if the same had been levied or suffered by the proper Parties in due form of Law.

In Bar of
Dower, &c.

Purchase-money paid to
Corporations and Trustees
to be laid out in the Purchase
of Lands, &c.
for the same
Uses,

and in the
mean time in-
vested in the
public Funds.

And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever for or on Behalf of any Ideots, Lunatics, Infants, Femes-covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons so seised of Lands or Grounds limited in strict Settlement, be laid out as soon as conveniently may be in the Purchase of other Lands, Tenements, and Hereditaments in Fee Simple, and conveyed to or to the Use of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, and to, for, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds for or in respect whereof such Purchase Money or Monies received in Exchange shall be so paid as aforesaid were limited, settled, and assured at the Time such Purchase-monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements to be made at the Expence of the said Commissioners; and in the mean time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the public Funds, or on Government or real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners, or any Five or more of them, and as well the Interest arising or to be produced from such Funds or Securities, as also the annual Rent of such Lands, Grounds, Mills, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would for the Time being be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and Meaning of this Act; and such annual Rent shall be a Rentcharge upon the Tolls, Rates, and Duties herein after authorized to be taken by the said Commissioners.

And be it further enacted, That the said Commissioners, or any Five or more of them, may and are hereby empowered and required to settle what Shares and Proportions of the Purchase-monies, or Recompence for Damages which shall be so agreed for or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by the said Juries in manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

Commissioners to apportion the Money to be paid to the several Persons interested.

And be it further enacted, by the Authority aforesaid, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers vested in them by virtue of this Act, concerning the Value of Lands and Damages to be sustained, separate, and shall distinguish the Value set upon the Lands, and the Money assessed or adjudged for Damages, separate and apart from each other.

Determinations, &c. and Value set upon Lands to be distinguished separate from each other.

Provided always, and be it enacted, That it shall not be lawful for any Person during the Time he is resident at or in the Town of Newark aforesaid, nor for any Person who shall not at the Time of acting be in his own Right or in the Right of his Wife in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements or other Hereditaments of the yearly Value of One Hundred Pounds above Reprizes, to act as a Commissioner in determining and adjusting what Sum or Sums of Money shall be paid for the Purchase of any Lands or Grounds, or for the Recompence to be made for any Damages sustained or to be sustained by any Owners of, or Persons interested in any Lands, Grounds, Tenements, and Hereditaments, or by any Person or Persons interested in the Preservation of the Navigation of the Old Branch of the River Trent which runs by the Towns of Averham, Kelham, or South Muskham, or any other navigable or other Waters which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, or in the hearing, settling, and adjusting any Complaint or Complaints which shall be made to them the said Commissioners by any such Owners or Persons interested as aforesaid, or in giving in consequence of such Complaints any Orders and Directions for removing the Grievance or Grievances complained of, or by the taking, using, or diverting any Water from the main Trent from any other Place, or in any other Manner than is by this Act directed and allowed, or by altering, removing, or displacing the Wear called The Upper Wear, or any of the Sand Banks or Shoals above the Mouth of the said Newark Branch, at or above the said upper Wear, whereby the Navigation of that Branch of the River Trent which runs by or near the Towns of Averham, Kelham, and South Muskham may be injured, damaged, or impeded; and if any Commissioner shall act during such Residence, or not being so qualified as aforesaid in any of the Matters aforesaid, every such Commissioner shall for every such Offence forfeit the Sum of One hundred Pounds to any Person or Persons who will sue for the same, to be recovered

Commissioners not to act in the purchasing of Lands, &c. during the Time they reside at Newark, or not having a certain Qualification.

in the same manner and with Costs of Suit, as the Penalty of acting in the Execution of this Act not having the Qualification herein before appointed for a Commissioner may be recovered; any Thing in this Act contained to the contrary notwithstanding.

Commissioners to be chosen in case of Death, &c.

And be it further enacted, by the Authority aforesaid; That upon the Death or Refusal to act of any Commissioner who shall be so qualified to act, by being in his own Right or in Right of his Wife in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments of the yearly Value of One hundred Pounds above Reprizes, and by his Non-residence in the Town of Newark aforesaid, in the determining and adjusting any Complaints that may be made by the Persons interested in Land or Grounds, navigable or other Waters as aforesaid, the surviving or remaining Commissioners, who shall be so qualified as last mentioned, or any Five or more of them, shall and may from time to time elect One other Commissioner so qualified as last mentioned, in the Room of every such Commissioner deceased or refusing to act; and every Person so elected shall have the same Authority as if he had been named a Commissioner in this Act, Ten Days Notice being first given as herein before directed of a Meeting of such Commissioners so qualified as last mentioned for the Purpose of electing such new Commissioner; and if any Commissioner shall give his Vote in the Choice of any new Commissioner so to be qualified as aforesaid, not being at the Time of such Vote and Election himself properly qualified as last mentioned, every such Commissioner so presuming to vote shall forfeit One hundred Pounds to any Person who shall sue for the same, to be recovered in such manner as the other Penalties in this Act are recoverable.

A General Meeting to be held, if applied for by One or more Land-owners, &c.

And be it further enacted, by the Authority aforesaid, That upon any Application being made by One or more of the Land-owners who may be affected by any of the Works which shall be done or doing by virtue of this Act, or by any Two or more Persons interested in the Navigation of the said old Branch of the Trent which runs by the said Towns of Averham, Kelham, and South Muskham, to the said Commissioners having such Qualification as last mentioned, desiring them to appoint a Meeting of such Commissioners, the Commissioners so applied to, or any Two or more of them, may and shall and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice of a General Meeting to be held at such Time and Place, within Twenty-one Days after such Request made, as shall be specified in such Notice; and such Notice shall be affixed upon the Door of the King's Hall and the Door of the Parish Church of Newark upon Trent aforesaid Ten Days at least before any such Meeting (Meetings by Adjournment only excepted) such Place not being more than Seven Miles distant from the said Navigation; and the said Commissioners so qualified as last mentioned are hereby authorized, impowered, and required to assemble at the Time and Place so to be appointed, in order to adjudge and determine upon such Matters as may then come before them, and to do and execute the Powers and Authorities given to and vested in them as Commissioners so qualified as last mentioned, and shall then

adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient, provided that the Place appointed for such Meeting to be held be within Seven Miles of the said intended Navigation ; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners so qualified as aforesaid a sufficient Number to act at such Meeting and to adjourn to any other Time, then and from time to time, as often as the Case shall happen, they shall be deemed adjourned until that Day Three Weeks at the same Place where the said Meeting was last held ; and all Meetings of the said Commissioners so qualified as aforesaid by virtue of this Act shall be public ; and that the Majority of the said Commissioners present at every such Meeting shall have Power and Authority to execute the Powers hereby vested in them as Commissioners so qualified as last mentioned, but not otherwise ; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Provided nevertheless, and be it enacted, That it shall and may be lawful for any Two or more of the said Commissioners so qualified as last mentioned, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from time to time, upon such Request, made as aforesaid, by Notice in Writing signed by them or any Two of them, and affixed upon the Door of the *King's Hall* and the Door of the Parish Church of *Newark upon Trent* aforesaid Ten Days at least before such Meeting, to summon a Meeting of the said Commissioners so qualified as last mentioned, at such Time and Place as shall be mentioned in such Notices, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and doing any other Business they are authorized and impowered to do by virtue of this Act, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Two Commissioners
may summon
a Meeting.

Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to oblige the Owner of certain working Water-Mills lying upon the said Branch of the said River *Trent*, and commonly called or known by the name of *Newark Mills*, to sell or dispose of the said working Mills for the Purpose of making and completing the said Navigation, in case the said Navigation can be made and completed without such working Mills, or either of them ; and if it shall appear that the said Navigation cannot be made and completed without the taking down of both or either of such Mills, and the making use of the Ground thereto belonging, or some Part thereof, then and in such Case the said Commissioners, or any Seven or more of them, shall contract and agree with the Proprietor of the said Mills and Ground for the same, or for such Part thereof as shall be necessary to be made use of for the Purposes aforesaid ; and if they cannot agree for the same, then the Price to be paid for the Purchase thereof shall be settled and determined by a Jury to be returned and sworn as herein is mentioned ; and in case it shall appear that the said Navigation can be made and completed without the taking down of both or either of the said Water-mills, and the same shall not be made use of for the Purpose of the

Newark Mills
not to be pur-
chased, except
the Navigation
cannot be
completed
without
taking them
down.

said Navigation, then and in such case the said Water-mills, or such of them as shall not be made use of for the Purpose aforesaid, shall be worked by the Occupier or Occupiers thereof, and his or their Servants for the Time being, in such Manner as in nowise to obstruct or hinder the said Navigation so to be made as aforesaid.

To make a Bridge at the Flood-mill.

And be it further enacted, That they the said Commissioners shall make a Swivel or other Bridge for Carriages over the said Branch of the said River *Trent* where the Bridge at the Flood-mill is now standing, and from time to time and at all Times thereafter keep the same in good and sufficient Repair.

Not to repair or maintain Newark Trent Bridge, except with respect to the Damage done by making the Navigation.

Provided that nothing in this Act contained shall extend or be construed to extend to oblige or compel the said Commissioners or their Successors, or any of them, to repair or maintain the Bridge called *Newark Trent Bridge* (except with respect to any Damage that may be done to the same by making and completing the said Navigation) but that the same shall from time to time be repaired as the same has heretofore been accustomed.

Bridge to be of a sufficient Width.

And it is hereby enacted and declared, That from time to time and at all Times hereafter, in case of the rebuilding or repairing the said Bridge called *Newark Trent Bridge*, the same shall be constructed of a sufficient Width for the passing and repassing of all such Boats, Barges, or other Vessels in and through the same as are now or shall at the Time of rebuilding or repairing the said Bridge be used upon the said Branch of the said River *Trent*.

Rates of Tonage.

And be it further enacted, That in Consideration of the great Charges and Expences the said Commissioners will be at in making and maintaining the said Navigation and all the other Works hereby authorized to be made and erected, it shall and may be lawful to and for the said Commissioners from time to time and at all Times hereafter to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonage for all Coals, Stones, Timber, Goods, Wares, Merchandizes, and Commodities whatsoever which shall be navigated, carried, and conveyed upon or through the said Branch of the said River *Trent* so to be made navigable as aforesaid, such Rates and Duties as the said Commissioners, or any Seven or more of them, shall think fit, not exceeding the Sum of Four Pence for every Ton of Coals, Stones, Timber, Goods, Wares, and Merchandise which shall be landed on the said Branch of the said River *Trent* from any Boat, Barge, or other Vessel, between the said Place called *The Upper Wear*, in the said Parish of *Averham*, and the said Place called *The Crankleys*, in the said Parish of *South Muskham*; and not exceeding the Sum of Two Pence for every Ton of Coals, Stones, Timber, Goods, Wares, and Merchandise which shall be navigated, carried, or conveyed upon or through the said Branch of the said River *Trent*, from the said Place called *The Upper Wear*, to the said Place called *The Crankleys*, or from the said Place called *The Crankleys*, to the said Place called *The Upper Wear*, and not landed out of any Boat, Barge, or other Vessel between the said Place called *The Upper Wear* and the said Place called *The Crankleys*, and so in Proportion for a greater or less Quantity than a Ton;

which said Rates and Duties shall be paid unto such Person or Persons, at such Place or Places near to the said Branch of the said River, in such Manner and under such Regulations as the said Commissioners, or any Seven or more of them, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any part thereof on Demand, to such Person or Persons as aforesaid, the said Commissioners may sue for the same by Action of Debt or upon the Case in any Court of Record; or the Person or Persons to whom the said Rates and Duties ought to have been paid may, and he and they is and are hereby empowered to seize and detain any such Boat, Barge, or other Vessel, or Goods for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, until Payment thereof, together with the reasonable Charges for such Seizure and Detention; and if such Distress shall not be redeemed within Five Days after taking thereof, the same may be appraised and sold as the Law directs in Cases of a Distress for Rent.

Distress may
be sold after
Five Days.

Provided also, and be it enacted, That no Hay or Corn in the Straw not sold, but to be laid up in the Outhouses, Garths, or Yards belonging to the respective Owners thereof, small Rubbish, or waste Stones from Delphs and Quarries, and all Gravel and Sand to be employed for the Purpose only of making and repairing the Roads (not being Turnpike) or walling or repairing the Banks in any Township, Village, or Hamlet through which the said proposed Navigation shall be made, and which shall not be carried more than Two Miles on the said Navigation, nor Dung, Soil, Marl, Ashes of Coal and Turf for the Improvement only of the Lands in the Township, Village, Hamlet, or Place through which the said proposed Navigation shall pass, shall be charged with or liable to pay any of the Rates, Duties, or Tolls authorized to be taken by this Act for being carried upon the said Branch, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over the Gauge, Waste, Paddle, or Nitch of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Hay, or Corn in the Straw, and such Stones, Gravel, or Sand for the making or repairing of such Roads or Banks, or such Dung, Soil, Marl, or Ashes, shall have free Liberty to make use of the Wharfs, or Quays belonging to the said proposed Navigation, such Person or Persons not suffering such Hay, or Corn in the Straw, and such Stones, Gravel, or Sand for making and repairing Roads, or such Dung, Soil, Marl, or Ashes to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Fences, Sides, or Banks of the said Branch, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels, or by the leading of such Materials to or from the Banks of the said Branch; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the Commissioners herein before named and appointed, or any Five or more of them.

Exemption
from Tolls.

Persons
claiming Ex-
emptions to
give Notice,
&c.

Provided always, That every Person so claiming Exemptions as aforesaid, shall give Notice to the nearest Toll-gatherer or Collector to be appointed by the said Commissioners of such their Intentions to pass through any Lock, specifying the Locks through which he intends to pass upon the said Navigation Six Hours at least before such passing through such Locks as aforesaid ; and any Person claiming any Exemptions as aforesaid, not being entitled thereto, or not giving Notice as aforesaid, or using or disposing of any of the Articles so exempted in any other Manner than as before directed, and being convicted thereof before One Justice of the Peace for the County of *Nottingham* or Borough of *Newark upon Trent*, shall for every Offence forfeit the Sum of Five Pounds, to be levied by Distress and Sale, and to be applied in the same Manner as the other Penalties are in and by this Act directed to be applied.

Tolls to be
free from
Taxes.

And be it further enacted and declared, That the said Rates and Duties shall be exempted from the Payment of any Taxes, Rates, Assessments, or other Impositions whatsoever, any Law or Statute to the contrary notwithstanding, other than such Taxes, Rates, and Assessments as the Land which shall be used for the purpose of the said Navigation would have been subject to if this Act had not been made.

Rates to be
fixed by Com-
missioners,
and to be
equal
throughout
the whole
Navigation.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, at their First General Assembly to be held by the Direction of this Act, fix their Rates or Duties to be taken by them by virtue of this Act, which said Rates or Duties shall be equal throughout the whole Length of the said Branch of the said River *Trent*; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, at any General or other Assembly to be afterwards held for that Purpose (of which One Calendar Month's Notice shall be given in the Manner that other Notices are by this Act directed to be given) to lessen or reduce all or any of the said Rates and Duties hereby granted or so fixed at such First General Assembly, as they shall think proper, and may afterwards from time to time at any General Assembly (of which such Notice shall be given as aforesaid) advance all or any of the said Rates or Duties so lessened to any Sum or Sums of Money, not exceeding the respective Rates and Duties herein before-mentioned, and that no Reduction of Rates and Duties hereby granted shall be confined to any particular Part of the said Branch of the said River *Trent*, but shall be made equal and proportionable upon the Whole and every Part thereof, between the said Place called *The Upper Wear*, and the said Place called *The Crankleys* aforesaid; but shall not be made without the Consent of the Subscribers of at least Two-thirds of the Money advanced on the Credit of the said Rates and Duties.

Masters of
Boats to give
an Account
of the Goods
in Writing &c.

And for the more easy collecting the said Rates and Duties hereby directed to be paid, Be it further enacted, That the Masters, Owners, and Managers of every Boat, Barge, and other Vessel navigating upon the said Branch of the said River *Trent*, or on any Part thereof, shall give a just Account in Writing signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Barge, or other Vessel to the Collector of the Tonage or Duties at

the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat, Barge, or other Vessel, from whence brought, and on what Part of the said Branch of the said River *Trent* they intend to land the same; and if the Goods contained in such Boat, Barge, or other Vessel shall be liable to the Payment of different Tolls, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each Toll; and in case they neglect or refuse to give such Account, or shall wilfully give a false Account, or in case they shall, by means of not having a proper Bill of Loading, give such false Account by Mistake, and shall not rectify the same within Three Hours after the Delivery of his or their Loading, or shall deliver any Part of their Loading or Goods at any other Place than what is or are mentioned in that Account, they shall forfeit and pay to the said Commissioners the Sum of Twenty Shillings for every Ton of Goods which shall be in such Boats, Barges, or other Vessels respectively of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out at such other Place as aforesaid, as the case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment on Demand of such Forfeiture or Forfeitures before-mentioned, or any Part thereof, to the said Commissioners, that then and in such Case the same shall be recovered and levied in such Manner and by such Methods as the said Tolls and Duties hereby granted are herein directed and appointed to be recovered and levied.

Penalty per
Ton.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having Charge of any Boat, Barge, or Vessel, or the Owner of any Goods, Wares, or Merchandise, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to stop and detain such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged all such Goods, Wares, and Merchandizes as shall be therein contained; and in case the same shall upon weighing, measuring, or gauging appear to be of greater Weight and Quantity than such Master, Owner, or Person having the Care of the said Boat, Barge, or other Vessel affirmed the same to be, then the Master, Owner, or Person so affirming shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied; but if such Goods, Wares, and Merchandizes, shall appear to be of the same or less Weight or Quantity than such Master, Owner, or Person so affirmed the same to be, then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, and Gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, such Damages as shall appear to the said Commissioners, or any Seven or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector the same shall be recovered from him by Action of Debt in any of his Majesty's Courts of Record.

In case of
Difference
concerning
Weight of
Goods, Vessels
to be detained
and Goods
weighed, &c.

Navigation to
be free on
Payment of
Rates.

Provided always, and be it enacted, That all Persons whatsoever shall have free Liberty with Boats, Barges, or other Vessels to navigate upon the said Branch of the said River *Trent* so to be improved and completed as aforesaid by virtue of this Act, for the Purpose of conveying Coal, Stone, Timber, and all other Goods, Wares, Merchandizes, and Commodities whatsoever to or from the said Branch of the said River *Trent*, and also to navigate upon the same with any Boats, Barges, or Vessels, and to use the public Wharfs or Quays now made or to be made upon the said Branch of the said River for loading and unloading Coals and other Goods, upon Payment of such Rates and Duties as shall be directed by the said Commissioners, and not exceeding the Rates herein before-mentioned.

Commission-
ers may make
Bye-laws.

And be it further enacted, That the said Commissioners, or any Seven or more of them, at any of their Meetings (Notice being first given of the Intention of such Meetings according to the Directions of this Act) shall from time to time have full Power and Authority to make Bye-laws, Orders, and Constitutions for the good and orderly using of the said Navigation, and the Wharfs and Quays belonging thereto, and for the well-governing of the Barge-men, Watermen, and Boatmen, who shall convey and carry any Goods, Wares, or Merchandizes on the said Branch of the said River *Trent*, and to impose and inflict such reasonable Fines and Forfeitures upon the Breaking of such Bye-laws, Orders, or Constitutions as the said Commissioners, or any Seven or more of them, shall think fit, so as no such Fine or Forfeiture shall exceed the Sum of Forty Shillings on any One Person for any One Offence, such Fine or Forfeiture to be levied and recovered in such Manner as the other Penalties and Forfeitures are by this Act directed to be levied and recovered; which said Bye-laws, Orders, and Constitutions being put into Writing under the Hands and Seals of the said Commissioners, or any Seven or more of them, shall be binding to and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred.

For borrow-
ing Money.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Nine or more of them, from time to time to borrow any Sum or Sums of Money, and to assign over the said Rates and Duties, or any Part thereof, for securing the Re-payment of the Money so to be borrowed, with Interest thereon, the Costs and Charges of assigning the same to be paid out of such Rates and Duties, as a Security for any Sum or Sums of Money to be borrowed, to such Person or Persons who shall advance the same; and all and every Person or Persons to whom the said Commissioners, or any Nine or more of them, shall at any Time make such Assignment or Assignments, shall be equally entitled to their Proportion of the said Rates and Duties, according to their respective Sums in such Assignment mentioned to be advanced, to secure the Re-payment thereof, without any Preference by reason of Priority of Assignment, or any other Account whatsoever; and the Money so borrowed shall be applied in such Manner as the Rates and Duties are hereby directed to be applied, and to no

other Use or Purpose whatsoever ; and Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Commissioners, which said Book or Books shall and may be perused at all seasonable Times by all Persons without Fee or Reward ; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities under his, her, or their Hand and Seal or Hands and Seals duly executed in the Presence of One or more credible Witness or Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any other Person or Persons ; which said Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred in the said Book or Books to be kept for the entering the said original Assignment, for which the said Clerk or Clerks, Treasurer or Treasurers shall be paid such Sum as the said Commissioners, or any Nine or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence, and after such Entry made, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties* ; and it shall not be in the Power of such Person or Persons who shall have made such Assignment to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

And be it further enacted, by the Authority aforesaid, That no Sum or Sums of Money shall be borrowed for completing the said Navigation, unless Notice thereof, signed by Seven or more of the said Commissioners, be affixed upon the *King's Hall*, in the Town of *Newark* aforesaid, and upon the Door of the Parish Church of the said Town, and published in such public News Papers as the said Commissioners, or any Seven or more of them, shall think proper, at least Ten Days before any Meeting shall be held for that Purpose.

Notice to be given of borrowing Money.

And be it further enacted, That every Owner of any Boat, Barge, or other Vessel passing on the said Branch of the said River *Trent* shall cause the same to be numbered, and the Name or Names, Place or Places of Abode of the Owner or Owners thereof to be set in large White Capital Letters Six Inches high and of proportionable Breadth, on a black Ground, so that the same shall at all Times be in Sight plain and legible, in some conspicuous Place on each of the Outsidess of every such Boat, Barge, or other Vessel, higher than the same shall sink into the Water when loaded ; and if the Owner of any such Boat, Barge, or other Vessel shall not at all Times have the same numbered, and the Name or Names, Place or Places of Abode of the Owner or Owners thereof put on the Outside of his, her, or their Boat,

Masters to put their Names on the Outside of their Boats.

Barge, or other Vessel as aforesaid, or shall alter, deface, erase, or destroy, or shall permit or suffer to be altered, defaced, erased, or destroyed any Letter or Figure describing such Name and Number as aforesaid, every such Owner or Owners shall for every such Offence respectively forfeit and pay the Sum of Forty Shillings.

Masters or
Owners of
Boats answer-
able for Da-
mages done
by the Crew.

And be it further enacted, That the Master or Owner or Owners of every Boat, Barge, or other Vessel navigating within the Limits of the said Navigation shall be and is and are hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his, her, or their Boat, Barge, or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, during the Time they shall be so employed, unto any of the Bridges, Wears, Locks, Dams, Engines, or other Works in or upon or near the said Branch of the said River *Trent*, Trenches, Sluices, and Passages, or by loading or unloading any Boat, Barge, or other Vessel, and for any Trespass or Damages that shall or may be done to the Owners or Proprietors, Occupier or Occupiers of any Buildings, Erections, Lands, or Tenements adjoining to the same, or any of them; and the said Master or Owner or Owners of such Boat, Barge, or other Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict pass against him, her, or them, or Judgment be given against him, her, or them upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Double Costs of Suit.

Regulation
for Vessels
passing the
Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servants navigating any Boat, Barge, or other Vessel upon the said River *Trent*, and passing with any Boat, Barge, or other Vessel through any Lock to be made upon the said Branch, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through any such Lock; and also that every such Boatman, or other Persons as aforesaid, in coming down the said Branch shall shut the lower Gates of such Lock before he or they shall draw the Slackers of the upper Gates thereof, and after he or they shall have brought his or their Boat, Barge, or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Slackers of the lower Gates thereof; and in going up the said Branch shall, so soon as he or they shall have passed with his or their Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Slackers of the lower Gates, unless there shall be then a Boat, Barge, or other Vessel in Sight of the said Lock coming down the said Branch, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and in all dry Seasons when there shall be a Scarcity of Water in the said Branch, the Vessel going up the same, if within Sight of and at a Distance not above Three hundred Yards below a Lock, shall pass through such Locks before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid, at which Distance a Post or Mark shall be set up and made for that Purpose, such Vessels shall go up and come

down at such Lock by Turns as aforesaid, till all the said Vessels going up and coming down shall have passed; and every Person offending in any of the Cases aforesaid, and being convicted thereof before any Justice of the Peace for the County of *Nottingham* or Borough of *Newark upon Trent*, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed in any Part of the said Branch of the said River *Trent*, so as wilfully to obstruct the Navigation, and the Person having the Care of such Boat, Barge, or other Vessel shall not immediately upon Request being made remove the same, he shall for every such Offence forfeit a Sum not exceeding Ten Shillings, nor less than Five Shillings, and shall moreover forfeit a Sum not exceeding Two Shillings, nor less than One Shilling for every Hour such Obstruction shall continue after such Request for Removal shall be made as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause any such Boat, Barge, or other Vessel to be unladen (if necessary) and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charge of such Removal be paid; and if any Boat, Barge, or other Vessel shall be sunk in the said Branch, and the Owner or Person having the Care of such Boat, Barge, or other Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain or keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels lying
so as to ob-
struct the Na-
vigation to be
removed.

And be it further enacted, That if any Person or Persons shall float any Timber on the said Branch, or shall load any Boat, Barge, or other Vessel with Timber, and suffer such Timber to be over the Sides of any such Boat, Barge, or other Vessel so laden, or shall overload any Boat, Barge, or other Vessel navigating in or upon the said Branch, and when so overloaded shall put such Boat, Barge, or other Vessel upon the said Branch, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately upon Notice given to the Owner or Person having the Care of such Boat, Barge, or other Vessel so obstructing the Passage as aforesaid, haul such Boat, Barge, or other Vessel back into such Place or Places as shall be proper for Boats or other Vessels to pass each other, every such Owner or Person floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds to the said Commissioners, to be laid out and employed towards the maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on
Persons over-
loading and
obstructing
the Passage.

And be it further enacted, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Sand, Ashes, Dirt, or Rubbish into any Part of the said Branch of the said River *Trent*, or into any Trenches or Water-courses to be made or maintained by virtue of this Act, every such Person shall for every such Offence forfeit the Sum of Five Pounds.

Penalty on
throwing Bal-
last in the Ri-
ver.

Land Owners
may build
Warehouses,
Quays, &c.

And be it further enacted, by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Navigation shall be made and completed as aforesaid, under or by virtue of this Act, from making or using any Wharfs, Quays, Landing-places, Cranes, Weighing-beams, or Warehouses in or upon their respective own proper Grounds or Wastes adjoining to or near the said Branch of the said River *Trent* (except such Part of the said Wastes as are now used as public Wharfs) or from landing any Goods or Merchandise, or other Things thereupon, or upon the Banks lying between the same and the said Branch of the said River *Trent*, or for the making or using proper and convenient Places for Boats, Barges, or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively shall and do not obstruct or prejudice the Navigation of the said Branch; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weighing-beams, and Warehouses respectively, shall be and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weighing-beams, or Warehouses upon their own respective proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, and Duties hereby granted and directed to be paid to the said Commissioners for making and improving the Navigation of the said Branch, their Successors and Assigns, for Tonnage, shall not be thereby reduced or altered.

Owners may
use Pleasure-
boats.

And it is hereby provided and further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Branch to use any Pleasure-boat or Boats upon the said Branch (not passing through any Lock unless they shall first pay such Tonnage as the Commissioners for making and completing the said Navigation shall order and direct, not exceeding Six Pence for every such Pleasure-boat) without any Interruption from the said Commissioners for the said intended Navigation, and without paying any other Rate or Duty for the same, so as that the same be not made use of for carrying any Goods, Wares, or Merchandise, and so as that the same shall not and do not obstruct or prejudice the Navigation of the said Branch.

Navigation
not subject to
Commission-
ers of Sewers.

Provided always, and be it enacted, That the said Branch of the said River *Trent*, or any Work whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any of the Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Thing or any former Law or Statute to the contrary notwithstanding.

Fines and
Forfeitures
how to be
recovered:

And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-law to be made in pursuance of this Act (the levying and recovering of which are not herein particularly directed) shall in case of Non-payment thereof be levied by

Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal or Hands and Seals of one or more Justice or Justices of the Peace for the said County of *Nottingham* or Borough of *Newark upon Trent* respectively where such Offence shall be committed ; which said Justice or Justices is and are hereby authorized to hear and examine any Witness or Witnesses upon Oath or Affirmation, and determine the same ; and all such respective Fines, Forfeitures, and Penalties by this Act imposed (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Application thereof.

And for the more easy and speedy Conviction of Offenders against this Act, Be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen ; *videlicet*,

BE it remembered, That on the Day of in the Year of our Lord Form of Conviction.

A. B. is convicted before me *C. D.* One of his Majesty's Justices of the Peace for the (specifying the Offence and Time and Place when and where the same was committed, as the Case shall be). Given under my Hand and Seal the Day and Year aforesaid.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto ; nor shall the Party or Parties distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining ; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

Distress not unlawful for Want of Form,

nor Parties distraining deemed Trespassers ab initio for subsequent Irregularity.

Provided always, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of this Act, or any Rule, Bye-law, or Order of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace, may, within Eight Calendar Months after such Order shall have been made or given, complain to the Justices of the Peace at their General or Quarter Sessions to be held in and for the County of *Nottingham* aforesaid, or Borough of *Newark upon Trent* aforesaid, as the Case shall arise (except the same shall be in the Matter of Property ; which Matter of Property shall be tried and

Persons aggrieved may appeal to the Quarter Sessions, or try the same at the Assizes if in the Matter of Property.

determined either at the General or Quarter Sessions to be held for the said County of Nottingham, within Eight Calendar Months or at the First or Second Assizes to be held for the said County after the Cause of Dispute shall have arisen) who shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said County or Borough, and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable, and levy by their Order or Warrant the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster or elsewhere.

Determination
of the
major Part of
the Commissi-
oners to be
considered as
the Determina-
tion of the
Whole.

And be it further enacted, That in all Cases where any Power and Powers is and are hereby vested in the Commissioners, or any Act or Acts directed to be done by them respectively at any Meeting for putting in Execution any of the Powers given by this Act, the Opinion, Determination, or Judgment of a major Part of the Members of such respective Meetings shall be taken and considered as the Act and Judgment of the whole Body so assembled: Provided that such Majority shall not consist of a less Number than the respective Number of Commissioners by this Act required for executing the several and respective Powers herein given; any Thing herein contained to the contrary notwithstanding.

Exemption
from Stamp-
duty.

And be it enacted, That no Warrant, Mortgage, Assignment, Transfer, or other Writing whatsoever in pursuance of or relating to the Execution of any of the Powers of this Act, shall be subject to any Stamp-duty whatsoever.

Reservation
of manerial
Rights and
Royalties.

And be it further enacted, That the Lord and Lords, Owner or Owners of all and every Manor and Manors, or of any Fishery or Fisheries being upon the said Branch of the said River Trent, or any Part thereof, through which the said Navigation shall extend, shall have full Liberty to fish, fowl, and exercise all manerial Rights and Royalties on the said Branch of the said River Trent to which they are now legally intitled; any Thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free use of the said intended Navigation.

Charges of
passing the
Act to be
paid.

And be it further enacted, by the Authority aforesaid, That all the Expenses incident to and attending the obtaining of this Act shall be in the First Place defrayed out of the Monies which shall be borrowed by virtue hereof.

And be it further enacted, by the Authority aforesaid, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Nottingham*, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Non-suited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Double Costs.

And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Public Act.

DATE DUE